IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:21-CV-490-FL

LEAH CARSON,)	
Plaintiff,)	
V.)	ORDER
COMMWELL HEALTH,)	
Defendant.)	

This matter is before the court upon pro se plaintiff's motions for leave to proceed in forma pauperis (DE 1), and for review of plaintiff's complaint pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert B. Jones entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's complaint be dismissed for lack of subject matter jurisdiction (DE 4). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. <u>Diamond v. Colonial Life & Acc. Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005); <u>Camby v. Davis</u>, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends dismissal of plaintiff's claims due to lack of federal

subject matter jurisdiction, where there is no basis to infer a federal question or diversity of

citizenship. Upon careful review of the M&R, the court finds the magistrate judge's analysis to

be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the

magistrate judge as its own. For the reasons stated therein, plaintiff's complaint is DISMISSED

WITHOUT PREJUDICE for lack of subject matter jurisdiction. The clerk of court is DIRECTED

to close the case.

SO ORDERED, this the 24th day of May, 2022.

ZOUISE W. FLANAON

United States District Judge